

Express Mail No. EL615431811US

7-6-04 IPW RCE/1634

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/525,361
Filing Date	March 15, 2000
First Named Inventor	Mack, D.
Group Art Unit	1634
Examiner Name	Johannsen, D.
Attorney Docket Number	05882.0129.CPUS03

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to application Examination and Provisions Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☒ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☒ Other - Sequence Listing

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. _____
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☒ Check in the amount of \$ 1720.00 Enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Adam K. Whiting	Registration No. (Attorney/Agent)	44,400
Signature		Date	July 1, 2004

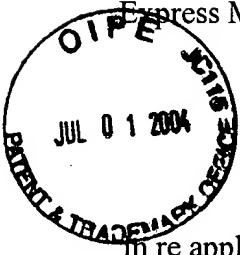
CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)		Date	
Signature		Date	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patent Box RCE, Washington, DC 20231.

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01 FC:1801



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MACK, *et al.*

Appl. No. 09/525,361

Filed: March 15, 2000

For: **NOVEL METHODS OF
DIAGNOSING BREAST CANCER,
COMPOSITIONS, AND METHODS
OF SCREENING FOR BREAST
CANCER MODULATORS**

Art Unit: 1634

Examiner: Johannsen, D.

Atty. Docket: 05882.0129.CPUS03

Confirmation No. 9370

AMENDMENT ACCOMPANYING REQUEST FOR CONTINUED EXAMINATION

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants submit the following amendments and remarks along with a Request for Continued Examination (RCE) of the above-cited application. The Examiner is requested to enter the amendments before further examination of the application.

This request follows a notice of appeal filed February 11, 2004 and is submitted on or before the third month extension deadline of July 11, 2004. A constructive petition for a three-month extension of time is requested under 1.136(a)(3) and the requisite fee under 1.17(a) of \$950.00 is included herewith. If additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby constructively petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 08-3038 referencing docket number 05882.0129.CPUS03.

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AMENDMENTS

To the Sequence Listing

The protein sequences corresponding to SEQ ID NOs: 55, 58 and 62 have been deleted. In accordance with 37 C.F.R. § 1.821(c), the numeric identifiers for SEQ ID NOs: 55, 58 and 62 are retained in the sequence listing but the sequence and specific identifiers associated with it have been replaced by the code "000." In accordance with 37 C.F.R. § 1.825, a substitute paper copy and a computer readable format of the sequence listing are included herewith.